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10/622,388	07/17/2003	Attila Grauzer	PA0885.ap.US	4708

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/622,388

Applicant(s)

GRAUZER ET AL.

Examiner

Robert Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 3rd, 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10-03-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**



**Claims 1-16 are pending.**

**This action is Final.**



***Information Disclosure Statement***

*The information disclosure statement filed October 3rd 2005, has been considered and is attached for applicant's records.*

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-6** and **9-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Purton (WO 00/51076).

Regarding at least claims **1, 9, 13, and 14**, Purton teaches a discard rack that moves and reads cards from one area to another comprising:

a card feed in area (Element 13) with moving elements that move individual cards from a card feed-in area (Element 15),

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a card collection area (Element 19) that receives the card from a card movement area in the same order as the cards are removed from the card feed-in area (Figure 3 & Page 4 line 23 through page 5 line 3),

an image capture device that captures data from a card prior to said cards receipt by the card collection area (Element 20, Page 5 lines 5-9),

a communication port for the transmission of captured data to a external processor (Page 5 lines 5-9 & 15-19), and

an elevator that lowers to maintain a constant level which cards are received in the card collection area (Figure 2, Page 5 lines 5-11).

Regarding claim **2**, Purton teaches an elevator that raises to assist in manual card removal (Figure 2, Page 5 lines 5-11)

Regarding claims **3**, and **12**, Purton teaches a card moving elements move only the bottom card through the use of rollers (Figure 3, Page 6 lines 12-16).

Regarding claim **4**, Purton teaches an image capture device that operates only when a card is detected (Page 10 lines 10-17).

Regarding claims **5**, **6**, **15**, and **16**, Purton teaches the use of a sensor for detecting card and card edge through the use of a beam of light (Page 10 lines 10-17), wherein the interruption of the beam would inherently commence as the edge of the card surface obstructs the beam path.

Regarding claim **10**, Purton teaches reading the rank and suit of each card including recording the image of the card in the order they are stacked (Page 5 lines 8-9 and Page 11 lines 5-7). As the cards are read in order and the images of said cards

may like wise be recorded as they are read, this system inherently records the order of said cards.

Regarding claim 11, Purton teaches the use of location information including table number (Page 11 lines 8-16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purton (WO 00/51076). as applied to claim 1 above, and further in view of Breeding et al (US 2002/0063389).

Purton teaches the detection of unit malfunction (Page 10, Lines 10-17) however I silent regarding the use of a jam recovery program. In a related invention Breeding teaches the use of a Jam recovery program for removing a Jam from the system after

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the detection of a malfunction (Paragraphs 127-129). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated Breeding's automated Jam recovery in an electronic card sorter in order to reduce device down time.

### ***Response to Arguments***

Applicant's arguments filed October 3<sup>rd</sup> 2005 have been fully considered but they are not persuasive. Applicant offers three distinct proposed deficiencies to the claim rejections of record as presented in the previous office action. The presented arguments are found deficient for the reasons found below and as such the rejection is maintained as Final. Please note though the applicant suggests the use of the US patent No 6,629,894, the following response is provided with regard to the previous relied upon and corresponding PCT in order to maintain consistency across this issue with regards to office correspondence.

#### **[Regarding claim 1]**

On the first point, the applicant alleges that Purton fails to maintain the order of a set of playing cards when passed through his invention juxtapose to the applicant's claimed invention wherein the order of the cards is maintained (Pages 6-7 of response to office action). In response the applicant is direct to Figure 3 and associated disclosure on page 6 lines 13-16 of the Purton reference wherein Purton teaches a feed system that maintains the order of the cards as received during the scanning process. As cards are loaded into loading area 30 they are removed from the bottom of the stack across a series of rollers into the accumulation platform 20 thus maintaining the order of cards

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originally present and delivering the cards from the loading area to the accumulation platform in the order which they were received by the loading area.

On the second point, the applicant presents that the ordered inspection, argued on the first point above allows for the inclusion of functional elements through the verification of cards in their original order (Page 6 of response to office action). This argument fails at least for the deficiencies of point one above and further for arguing beyond those elements presented in the claims.

**[Regarding claims 12, 13]**

Arguments direct to claims **12** and **13** are premised on points previously presented and addressed above with regards to claim **1**.

**[Regarding claims 7, 8]**

Applicant challenges the rejection of claims **7** and **8** under USC 103 and premised on the points previously presented and addressed above with regards to claim **1**. As the foundation of the challenge is deficient these arguments fail in-kind for their reliance thereon.

**[Improper Amendment Form]**

Finally it is noted that applicant has submitted claim amendments in improper form with failure to indicate the modifications to the presented claim language in the

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amended claims. All amendments submitted should demonstrate through mark-ups the additions and ~~deletions~~ made to each individual claim. Though this deficiency has been overlooked in the present action for the purpose of expediting prosecution however, failure to follow the above format in further correspondence can result in applicant's future responses being held non-responsive.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REM

  
**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**  
TC3700